



National College for
Teaching & Leadership

Mr Anthony Hallatt: Professional Conduct Panel outcome

**Panel decision and reasons on behalf of the
Secretary of State for Education**

September 2014

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Professional Conduct Panel decision and recommendations, and decision on behalf of the Secretary of State

Teacher:	Mr Anthony Hallatt
Teacher date of birth:	31 October 1954
NCTL Case ref no:	0010178
Date of Determination:	17 September 2014
Former employer:	Abbey Hill School

A. Introduction

A Professional Conduct Panel (“the Panel”) of the National College for Teaching and Leadership (“the National College”) convened on 19 May 2014 and 15 – 17 September 2014 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Mr Anthony Hallatt.

The Panel members at the adjourned hearing on 19 May 2014 were Mrs Kathy Thomson (Teacher Panellist – in the Chair), Mr Martin Pilkington (Lay Panellist) and Mr Tony Woodward (Teacher Panellist). The Panel members at the reconvened hearing on 15 – 17 September 2014 were Mr Martin Pilkington (Lay Panellist - in the Chair), Cllr Gail Goodman (Teacher Panellist) and Mrs Mary Speakman (Teacher Panellist).

The Legal Adviser to the Panel was Mrs Luisa Gibbons of Eversheds LLP Solicitors.

The Presenting Officer for the National College was Ms Melinka Berridge of Kingsley Napley Solicitors.

Mr Anthony Hallatt was represented by Mr Chris Holden of NASUWT but neither Mr Hallatt, nor his representative were present at the hearings.

The hearings took place in public and were recorded.

B. Allegations

The Panel considered the allegations set out in the Notice of Proceedings dated 9 July 2014.

It was alleged that Mr Anthony Hallatt was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that:

Whilst employed at Abbey Hill School, he:

1. On 20 September 2009 attended school for the purpose of supervising pupils during a trip to France whilst intoxicated;
2. On 20 and 21 September 2009 behaved inappropriately with pupils by:
 - a. engaging in tickling of the shoulders and midriff;
 - b. kissing children on the cheek; and
 - c. engaging in hugging of pupils;
3. Between September 2010 and May 2011 touched Pupil A on her bottom and her waist on several occasions;
4. On 9 May 2011 touched Pupil A on her bottom and her stomach;
5. Between September 2010 and May 2011 asked Pupil A for her mobile number on two occasions;
6. Between September 2010 and May 2011 made inappropriate contact with Pupil A by engaging in pushing and shoving on a staircase.

Mr Hallatt has denied the allegations in their entirety.

C. Preliminary applications

19 May 2014

On 19 May 2014, the Panel initially decided to proceed in the absence of Mr Hallatt on the basis that:

- Mr Hallatt had not provided any current medical evidence of any illness;
- he had not stated that he is unfit to attend;
- he had not requested an adjournment;
- he had the knowledge of when and where the hearing was taking place;

- there was no indication that an adjournment would result in Mr Hallatt attending the hearing;
- the Panel had the benefit of Mr Hallatt's written representations and was able to consider such points as are favourable to him when testing the evidence;
- the Panel could exercise vigilance in its decision making, taking account that Mr Hallatt would not have had the opportunity to test the evidence;
- there had already been a considerable delay since these allegations first came to light for various reasons;
- these are serious allegations and the public interest was in favour of this hearing proceeding without further delay.

The Panel then considered an application to receive and watch the DVD recording of Pupil A and to receive and listen to the cassette tapes of the police interview with Mr Hallatt. The DVDs and cassette tapes were referred to in the Panel Bundle and an indication had been made that the evidence would be produced during the hearing. The Panel exercised caution, since it was proceeding in the absence of Mr Hallatt, who was not therefore present to view any such material at the hearing. Enquiries were made as to whether Mr Hallatt has received copies of the DVD and cassettes and the Presenting Officer confirmed that this was not the case. The Presenting Officer conceded that this was relevant material which had not been disclosed.

The Panel was concerned about this, since the Procedures required the Notice of Proceedings to have annexed to it, any relevant documents which had not previously been sent to the teacher. The Panel requested representations from the Presenting Officer regarding this. The Panel concluded that the Notice of Proceedings was defective. The Panel therefore considered it was obliged to reconsider the decision of whether to proceed in Mr Hallatt's absence. The Panel noted that the Procedures require the Panel to adjourn the hearing if it is not satisfied that the requirements regarding the Notice have been complied with. Before taking its decision, the Panel invited representations from both parties as to whether the hearing should be adjourned and an email was sent the Presenting Officer's firm to Mr Hallatt's representative. The Presenting Officer stated that it would be preferable for the hearing to be adjourned than to not have the documents admitted. A representative on behalf of Mr Hallatt replied by email that Mr Hallatt did wish to receive copies of the DVD recording and cassettes, prior to the Panel receiving them. Clarification was sought from the Presenting Officer as to whether Mr Hallatt's representative was aware that the effect of an adjournment would lead to this hearing slot being vacated. The Presenting Officer confirmed to the Panel that she had communicated this to the representative. The Presenting Officer also confirmed that she had instructions to seek an adjournment to allow the documents to be disclosed. In accordance with the Procedures, and taking account of the parties representations, the Panel decided to adjourn the hearing.

15 September 2014

Mr Hallatt was neither present nor represented at the hearing. The Panel therefore considered whether the hearing should continue in the absence of Mr Hallatt.

The Panel was satisfied that the College had complied with the service requirements of Regulation 19 a to c of the Teachers' Disciplinary (England) Regulations 2012 (the "Regulations").

The Panel was also satisfied that the Notice of Proceedings contained the details required by the Procedures and that the Procedures had been satisfied with regard to providing access to the recordings referred to above.

The Panel determined to exercise its discretion under the Procedures to proceed with the hearing in the absence of the teacher.

In making its decision, the Panel noted that the teacher may waive his right to participate in the hearing. The Panel understood that its discretion to commence a hearing in the absence of the teacher has to be exercised with the utmost care and caution, and that its discretion is a severely constrained one.

The Panel took account of the various factors drawn to its attention from the case of *R v Jones* [2003] 1 AC1. Mr Hallatt's representative had stated that Mr Hallatt does not intend to be present at the hearing, nor had he requested to be represented in his absence. The Panel therefore considered that the teacher had waived his right to be present at the hearing in the knowledge of when and where the hearing is taking place. The Panel had regard to the requirement that it be only in rare and exceptional circumstances that a decision should be taken in favour of the hearing taking place. The Panel considered that the teacher has plainly waived his right to appear. There was no indication that an adjournment would result in the teacher attending the hearing. This case had been adjourned on a previous occasion. On that occasion, Mr Hallatt chose not to be present, and has through his representative confirmed that he does not wish to attend on this occasion either. There were 5 witnesses present who would, once again, be inconvenienced if this hearing was adjourned. The Panel had regard to the seriousness of this case, and the potential consequences for the teacher but considered, in light of the teacher's waiver of his right to appear, that on balance, these are serious allegations and the public interest in this hearing proceeding within a reasonable time was in favour of this hearing continuing.

D. Summary of evidence

Documents

Section 1: Chronology and Identification Key

Pages 1 – 5

Section 2: Notice of Proceedings and Response	Pages 6 – 14
Section 3: National College for Teaching and Leadership’s Witness Statements	Pages 15 – 60b
Section 4: National College for Teaching and Leadership Documents	Pages 61 – 616
Section 5: Teacher Documents	Pages 617 - 624

The Panel Members confirmed that they had read all of the documents in advance of the hearing.

The Panel also admitted a small bundle of documents consisting of a letter from Mr Hallatt’s representative dated 8 September 2014 and a letter to Mr Hallatt of 30 May 2014 enclosing the outcome of the previous hearing, and canvassing availability for the hearing to resume. These documents were relevant to the Panel’s consideration of whether to proceed in Mr Hallatt’s absence. They were paginated as pages 625 – 631.

The Panel decided to admit the video recording of Pupil A’s interview with the police and the tape recordings of Mr Hallatt’s interview with the police. The Panel was satisfied that the evidence had been described to Mr Hallatt and that he had been provided with an explanation as to why it was not appropriate for copies of the evidence to be provided to him. The Panel was also satisfied that appropriate arrangements had been put in place for Mr Hallatt to inspect the evidence, but that he had not taken advantage of those arrangements. The Panel considered that it was fair to admit the evidence and that the evidence was relevant to the case.

The Panel viewed the video recording of Pupil A’s police interview in camera, before the opening of the case. That recording forms part of the Panel Bundle, but it was noted that Pupil A’s name should be redacted. The Panel also listened to the tape recordings of Mr Hallatt’s police interview, part way through the hearing. The case was opened and three witnesses gave live evidence beforehand in order to accommodate restrictions as to the witnesses availability. The Panel did not consider that this caused any prejudice to the teacher, since the Panel had a full transcript of the tape recordings in its Panel Bundle.

Witnesses

The Panel heard oral evidence from the Head teacher, the former Deputy Headteacher, a former teacher, the Supervisory Special School Practitioner and a Pupil Support Team Manager, of Abbey Hill School.

E. Decision and reasons

The Panel announced its decision and reasons as follows:

We have now carefully considered the case before us and have reached a decision.

We confirm that we have read all the documents provided in the bundle in advance of the hearing. The Panel also viewed the video recording of the police interview of Pupil A, and listened to the tape recordings of Mr Hallatt's police interview during the course of the hearing.

Summary of Evidence

Mr Hallatt began employment at Abbey Hill School ("the School") in September 1977 as a Design and Technology Teacher. The School is an all age special school with pupils aged from 4 – 19 years old with moderate to severe learning difficulties. From September 2007, Mr Hallatt worked as a class teacher responsible for teaching 11 – 14 year old pupils across the curriculum, rather than being a subject specific teacher.

As a result of observations of Mr Hallatt's behaviour when pupils and staff were convening for a trip to France, the School conducted a disciplinary investigation. The matters that were investigated are the subject of allegations 1 and 2 in these current proceedings. A disciplinary hearing was convened on 19 November 2009 and 26 November 2009. Mr Hallatt was issued with a written warning and the School required him to abide by a number of conditions.

In September 2010, Mr Hallatt became a class teacher for a small group of pupils aged 16 – 19 years old in the School's post-16 unit. On 10 May 2011, Pupil A raised a complaint against Mr Hallatt. Mr Hallatt was suspended and the police carried out an investigation. Around 18 August 2011, the police informed the School that they planned to take no further action against Mr Hallatt and the School carried out an internal disciplinary investigation. There were difficulties in convening a disciplinary hearing and it was agreed that Mr Hallatt's employment would come to an end.

Findings of Fact

Our findings of fact are as follows:

We have found the following particulars of the allegations against Mr Hallatt proven, for these reasons:

1 Whilst employed at Abbey Hill School, you, on 20 September 2009 attended school for the purpose of supervising pupils during a trip to France whilst intoxicated

In his written statement for these proceedings, the Head teacher of the School described pupils and teachers convening at the School for a residential trip to France. He stated that there were 35 pupils in attendance on the trip, largely 11 – 16 years old with

moderate learning difficulties. He stated that Mr Hallatt was responsible for the welfare of four pupils during the trip. The Head teacher described arriving at the School at around 10pm on 20 September 2009 and that Mr Hallatt had arrived at least an hour later. The Head teacher stated that he was informed by the trip leader that Mr Hallatt appeared to be intoxicated. The Head teacher stated that he went to speak with Mr Hallatt and he could smell alcohol on his breath from a distance of around 4 feet. He observed Mr Hallatt being very tactile with the pupils in attendance; he recalled seeing Mr Hallatt touching pupils on the shoulder and having his arm around pupils. He also stated that Mr Hallatt's voice was far louder than normal.

The Head teacher stated that other staff members in attendance took responsibility for the pupils designated to Mr Hallatt during the evening of 20/ 21 September 2009.

The Head teacher's written statement also records that prior to leaving for France, he had received a telephone call from a pupil's mother during which she raised concerns that Mr Hallatt had been intoxicated when she dropped off her child for the School trip. In the statement the Head teacher provided for the School's investigation he stated that he had explained to the pupil's mother that Mr Hallatt did use a mouthwash that sometimes smells like alcohol but that the pupil's mother said "no, he stunk of it" and that he had a glazed look.

The Head teacher's statement, prepared for the School's investigation, was in similar terms in that there was a very strong smell of alcohol from about 4 feet away; that Mr Hallatt was relaxed and jovial; more friendly than usual; that he saw him with his arm around pupils and that his voice was louder than normal. In that statement, he also stated that he had looked for signs of alcohol but could not see anything obvious. He stated that, on the ferry, Mr Hallatt seemed to have recovered and that they had sat in a collective area with Mr Hallatt observing his group.

In oral evidence, the Head teacher confirmed to the Panel that Mr Hallatt had smelt of alcohol, was louder than usual and was more tactile with the pupils.

The Learning Mentor provided a witness statement for the purpose of the School investigation. This stated that Mr Hallatt had arrived at the School at about midnight. She stated that she was concerned straight away as she saw Mr Hallatt looking like he had consumed quite a lot of alcohol and he smelt like he had. She described that his eyes looked glazed and he spoke very quickly; was telling jokes with very different mannerisms; that he looked drunk; was loud and acted differently than usual. She described being in a room with him and the children for over half an hour, after which Mr Hallatt was quieter.

A pupil's mother who had dropped her child off at the School provided a statement for the School investigation. This stated that whilst talking to Mr Hallatt, she noticed that his eyes were glazed and watery and that his responses were different from usual, in that they were short fragments which were not relevant. She described his speech being

sluggish and quiet; that she could smell alcohol on his breath and that his actions were slow. She stated that he appeared to be a little unsteady and that he was not really listening. She stated that the unsteadiness, slurred speech and the aroma caused her to suspect that Mr Hallatt was intoxicated, so that, when she returned home, she informed the Head teacher.

A teacher attending the School trip provided a statement for the School investigation. This stated that she saw Mr Hallatt as soon as he had arrived to pass on information from parents about pupils in his group and the pupils' money and that it was apparent that Mr Hallatt was drunk. She stated that she was concerned that he would not remember where the money had been put and that he appeared uninterested about the information about the pupils' diets. She stated that he walked away, not in a straight line, but not staggering or falling over. She stated that during the School trip, she took responsibility for the two pupils' diets as he had not taken the information in. The teacher also stated that she had received two text messages from the pupil's mother referred to above. The first asked the teacher to text her as she wanted to tell her something. The second message said that the mother had managed to speak with the Head teacher as she was worried about Mr Hallatt and the children in his care because she thought he was drunk.

A classroom assistant provided a statement for the School investigation. She stated that she could tell that Mr Hallatt had had a drink from the smell and how he was acting. She stated that his speech was slurred, he was talking very quickly and he was unsteady. She described Mr Hallatt being over loud and 'over the top' with the children and with her. She stated that, on the boat, she had paired up with Mr Hallatt, that he was not 'with it'. He was sleepy, or asleep at points, and tired. She stated that she had to take care of the pupils in his care and thought that it seemed that he had a hangover.

In the trip leader's witness statement for the School investigation, he stated that he had been informed by the teacher referred to above that she was fairly sure that Mr Hallatt was drunk. He stated that he saw Mr Hallatt acting the fool, pretending to trip up and being a bit daft. He described his speech being different from normal in that it was a bit louder, but that he was not screaming or shouting. He stated that his breath did smell alcoholic.

A specialist school practitioner provided a witness statement for the School's investigation. She described Mr Hallatt as having phoned her earlier that day to ask if her husband would be going to the pub that evening and whether Mr Hallatt could go. She stated that Mr Hallatt had arrived at her house at 8pm, and left for the pub at about 8:45 – 9:00pm. She stated that she could not smell alcohol at that time. She next saw him at her house at 11:15pm, and she stated that Mr Hallatt had said that he had had a drink and "was still being quirky and jokey like before". She described having smelt alcohol but was not concerned as his voice was not slurred and he did not need any help getting his luggage from his car into hers. She stated that she could smell alcohol in the car but that "you do if you have been to the pub". She stated she could also smell it on

her husband, who would have been under the legal limit. She stated that she did not question his walking, as she did not think he had drunk too much and did not ask him how many he had had to drink.

Another parent, who attended the trip as a volunteer, provided a statement for the School's investigation. The statement said that Mr Hallatt had appeared fine, that he was joking with the children and that he would not have said he was drunk. He stated that he couldn't smell alcohol on him, that he didn't notice any slurring or swaying or that Mr Hallatt was disorientated.

In Mr Hallatt's statement for the School's investigation, he stated that he had had three pints of lager at the pub and no spirits. He stated that he had a coffee on return to his colleague's house and another hot drink on arrival at the school. He stated that he had a bit of leg pulling with the children, but that this was not out of character for him. He was asked if his colleague had spoken to him about having a drink after he had agreed to go to the pub with her husband. Mr Hallatt stated that the colleague had said that it was sensible to tell someone that he had had a drink and to take himself off somewhere. He also denied having pre-arranged to go to the pub, and that he had just tagged along. He stated that he had not seen it as an issue that he needed to inform someone, and with children and teachers "all over the place", this did not happen.

In representations for these proceedings, Mr Hallatt has stated that he openly admitted having drunk three pints of lager prior to arriving at the School, where he had no particular duty to perform other than to assist other staff in the loose supervision of early pupil arrivals. He denied that he was not in full control of his faculties.

The Panel was satisfied that there was sufficient corroboration between the witnesses that Mr Hallatt's behaviour indicated that he was intoxicated. This was also supported by Mr Hallatt's own admission that he had drunk three pints of lager before arriving at the School. The Panel considered this to be inappropriate, when the purpose of his attendance at the School would have been to supervise pupils arriving at the School, some of whom had special needs. This allegation is therefore found proven.

2. Whilst employed at Abbey Hill School, you, on 20 and 21 September 2009 behaved inappropriately with pupils by

a. engaging in tickling of the shoulders and midriff

In the Learning Mentor's witness statement for the School's investigation, she described supervising the children watching a DVD whilst they were waiting to depart for the School Trip. She stated that Mr Hallatt was tickling the children (boys and girls), having banter and being over-friendly. She stated that he was sitting on a sofa next to a child, tickling the child's shoulders and tummy and that she had felt uncomfortable with this.

In a teacher's witness statement for the School investigation, she described Mr Hallatt as having spent some time in her room where there were mainly girls. She stated that she felt uncomfortable leaving him in the room. Mr Hallatt was tickling them on their "tummy and sides". She described his behaviour as inappropriate and very loud.

The parent volunteer, referred to above, described in a statement for the School investigation that Mr Hallatt had been playing tickling games with the children.

In Mr Hallatt's statement for the School's investigation, he stated that he did not sit on the sofas with the children when he went to the room where the children were watching DVDs. He stated that it was not unusual for him to tickle two boys, that he gave "sideways hug and tickle on the side and they do it back". He later recalled having sat on the sofas at one point, but could not recall who was on the sofa. He could not recall tickling on the midriff.

In representations for these proceedings, Mr Hallatt has admitted having playful physical contact with some pupils, which he believed was appropriate and generally acknowledged at the time by school staff as acceptable contact. He stated that this was strictly consistent with his own prior knowledge of each particular pupil's own special needs.

The Panel finds this allegation proven on the balance of probabilities. There were several accounts of tickling. Mr Hallatt himself stated that it was not unusual for him to engage in tickling, and he has admitted having playful physical contact. The Panel considered that the tickling was inappropriate. Since both the Learning Mentor and a Teacher who witnessed the incident described having felt uncomfortable, the Panel was satisfied that it was more probable than not that such conduct was unacceptable. The Panel also considered that since Mr Hallatt was intoxicated, it is more likely than not that he engaged in inappropriate tickling.

c. engaging in hugging of pupils

In the Head teacher's written statement, he has stated that he observed Mr Hallatt being very tactile with pupils in attendance, touching pupils on the shoulder and having his arm around pupils.

The teacher, referred to above, described in her witness statement for the School investigation that Mr Hallatt behaved inappropriately with the children: being over silly with some of the children, prodding them, poking them and bear hugging them. She stated that he was whipping the children up when they should have been calming down.

The classroom assistant, referred to above, described in her witness statement that Mr Hallatt was giving the children a cuddle. She stated that she was uncomfortable with Mr Hallatt's shows of affection with all the children, not just those he was in charge of e.g. cuddling into them from the back / side.

In his statement for the School investigation, Mr Hallatt had stated that it was not unusual for him to tickle two boys. He stated that he “gave sideways hug and tickle on the side and they do it back”.

The Panel finds this allegation proven on the balance of probabilities. There were several accounts of hugging; Mr Hallatt himself stated that he gave sideways hugs.

Although the Panel heard evidence that there were circumstances where a child with special needs may seek a hug, the Panel heard that there were limitations upon the contact that could be made to provide the hug and that it should only be for a couple of seconds. The Classroom assistant described having felt uncomfortable with his shows of affection, and a teacher described his behaviour as inappropriate. There was no evidence that the pupils had initiated the hug. The Panel considered that since Mr Hallatt engaged in such hugging whilst in a state of intoxication, it is more probable than not that the hugging was inappropriate.

3. Whilst employed at Abbey Hill School, you, between September 2010 and May 2011 touched Pupil A on her bottom and her waist on several occasions

In a written statement for these proceedings, a retired teacher described Mr Hallatt as having had a tendency to become close to some of the most vulnerable pupils in the School, and that she noticed that once Mr Hallatt had moved into the Post-16 unit he began to spend a great deal of time with Pupil A. She stated that she noticed that Pupil A's behaviour altered and that she was concerned by this. She stated that she spoke with Mr Hallatt, during early 2009, in order to assist him with changing his approach when communicating with Pupil A. She stated that she told Mr Hallatt that she believed his close relationship with Pupil A was having an impact on her (Pupil A) and that he was leaving himself open to being misinterpreted. She stated that Mr Hallatt had agreed with the points she had raised but, nevertheless, his behaviour continued which resulted in the teacher diverting Pupil A when she looked as if she was going to see him in his classroom. A witness statement that this retired teacher provided to the police on 22 May 2011 contained a similar account.

In a written statement for these proceedings, the Pupil Support Team Manager (the “PST Manager”) for the School described the disclosure made by Pupil A. She stated that Pupil A had come to see her on the morning of 10 May 2011 and Pupil A explained that she needed to speak with her. The PST Manager stated that she had told Pupil A that she could speak with her later. She stated that she noticed Pupil A's apparent anxiety, and Pupil A had said that she would need to call the police once she had told her what had happened. The PST Manager states that she took Pupil A into the office. Pupil A asked her whether she would get into trouble and said that she was embarrassed to explain what had happened. The PST Manager stated that Pupil A had then told her that, since September 2011, Mr Hallatt had been touching her and that she did not like it.

The Panel identified that this must have been an incorrect date and should have referred to September 2010. The PST Manager states that she queried what she meant by “touching”, and she explained that Mr Hallatt had touched her on the bottom. The PST Manager describes Pupil A having been concerned about the consequences of her disclosure, asking whether she would get into trouble, whether she would have to go to court and whether she should have told her. The Panel Bundle contains the handwritten record that the PST Manager states she made as soon as possible after Pupil A’s disclosure. This accords with the details set out in her statement for these proceedings.

In Pupil A’s police interview, and in a document she prepared in preparation for that interview, she stated that since September 2010, Mr Hallatt had touched her. She described that he touched her bottom and stomach and that he had pinched her bottom. She described having left school for five to six weeks, and when she returned, she hoped Mr Hallatt would stop, but his actions had started again.

The Panel Bundle contains a witness statement of Pupil A’s grandmother, taken by the police. This states that on 10 May 2011, she went into Pupil A’s room and Pupil A seemed quiet and not herself. She stated that Pupil A had said that she was upset and wanted to tell her something but she was frightened. She stated that Pupil A had told her: “it was to do with a man teacher” and that the male teacher had “pinched her bum” and put his hands around her waist. The statement goes on to state that Pupil A had told her that she was getting fed up with this and was a bit frightened as it had been happening since September 2010. The grandmother’s statement states that Pupil A had told her the name of the teacher was “Tony”.

The former Deputy Head teacher of the School provided a witness statement to the police and gave oral evidence to the Panel. In this she stated that all members of the School had a copy of the Code of Conduct document which details all aspects of working with children and young adults. She stated that she knew Mr Hallatt had Level 1 Child Protection Training every 2 years. She also stated that, on 3 November 2009, he had one to one training with her about appropriate physical contact which included role playing acceptable physical touching. She stated that this was followed up with a further one to one meeting on 24 November 2009, in which they talked about what he had remembered from their previous session. She stated that she felt that Mr Hallatt had listened, demonstrated appropriate touching and that he understood. She referred to training on the Code of Conduct held on 18 and 25 March 2010, and two sessions in September 2010 and that Mr Hallatt had been present each time. She stated that she strongly believed that Mr Hallatt was aware of what was acceptable behaviour with pupils and that he had had training above and beyond what other teachers had in this area.

The Head teacher interviewed Pupil A on 6 October 2011, accompanied by the PST Manager. In a summary note of that interview, it is stated that Pupil A said that Mr Hallatt had touched Pupil A’s “back-side and waist” from “last September” and that this continued until May. The summary note states that Pupil A said that this occurred every

time that she saw Mr Hallatt, including when she attended his class within the post-16 unit. The note states that Pupil A said that she had left the School during February 2011 as she wanted to seek employment, but this also had something to do with Mr Hallatt's actions as well. She told the Head teacher that she had returned to the School and Mr Hallatt's conduct "carried on more". The PST Manager, who gave oral evidence, confirmed that this account was given by Pupil A during the interview, although she stated that the interview notes did not reflect how angry, upset and agitated Pupil A was during the interview.

The summary note states that Pupil A said that Pupils C and D had witnessed Mr Hallatt touching her and that she had spoken with Pupil K and Pupil C about it. The Supervisory Special School Practitioner, who gave oral evidence to the Panel, said that Pupil C had told her that she knew that Mr Hallatt had rubbed Pupil A's stomach and touched her bottom, and that it had happened when they went to the shop.

The Head teacher interviewed Pupil C on 20 December 2011. The note of this meeting states that Pupil C told him that Pupil C had been there when "he touched her up" on the chest and stomach. She was asked if that was the only incident, and Pupil C stated that it had happened twice, and when asked if she was there, Pupil C answered "No. Pupil A told me about this".

The Head teacher also conducted a telephone interview with Pupil K. The note of this meeting states that Pupil K said that Pupil A had texted her, although she could not specify when, stating that Pupil A was having nightmares about Mr Hallatt and that this was as a result of Mr Hallatt having touched her.

The Panel placed little weight on the evidence given by Pupil C and Pupil K. Neither gave evidence orally to the Panel and the Panel was unable to test their recollection. The Panel was also concerned that the accounts given by Pupil C and Pupil K were extremely brief, and that they were not taken until many months after the alleged incidents. The Panel also heard oral evidence that Pupil C was not always truthful.

Pupil A was described by the Supervisory Special School Practitioner for the School as a truthful individual who knew the difference between right and wrong. That witness taught Pupil A for two years. She states having noticed Pupil A starting to behave in a strange manner during January/ February 2011 and that Pupil A had left the School for a period of weeks, which was surprising as she had previously liked attending the School. Pupil A's grandmother informed her that Pupil A had wanted to find employment. She also stated in her police statement, and in oral evidence, that on 10 May 2011, she witnessed Mr Hallatt flicking the back of Pupil A's hair, and it struck her that he appeared to be letting Pupil A know that he was behind her, and this did not strike her as of any concern.

Mr Hallatt was interviewed by the police on 3 June 2011. He described having a playful sort of relationship with Pupil A, not the same as the other pupils. For example, she

would lean when she was on the stairs so someone would have to catch her. He described that she would seek him out and that there was a bit of pushing and shoving because she was like a tomboy. He described her playing a game where she would hold something in her hands and invite him to try to get the item from her. He stated that he would play the game and try to retrieve the item from her hand. He described the contact that he would have with Pupil A during such games. He would perhaps be holding the wrist, and trying to open her fingers. He said that there had probably been occasions when there had been a bit of playing, pushing and shoving. He stated that he had a playful relationship with Pupil A which he believed to be innocent. He described this as being more playful than his relationship with other pupils, since that was the way that Pupil A found it easiest to communicate. He stated that he did not think he had encouraged it, but had not discouraged it. Later in the interview, he stated that there were times when he discouraged Pupil A as she had been too playful.

Mr Hallatt, in his police interview, denied having any sexual inclination towards Pupil A. He might have pushed her lower back, or bottom, but inadvertently and gave the example of pushing her away to stop her from falling. He also stated that he may have touched her stomach when he had been trying to take something from her. He could not recall touching Pupil A's bottom, intentionally. He accepted that a colleague had suggested 2 – 3 months previously that Pupil A should be steered away from his room. At the end of the interview he stated that he did now realise that the boundaries with Pupil A were not right.

During the Head teacher's interview with Mr Hallatt on 18 November 2011, the transcript of that interview states that Mr Hallatt said that, as far as he knew, he had not placed his hands on Pupil A's bottom. He also stated that on one occasion she might have shown she was hiding something in her hand, and that was the only time he recalled that he would have had any contact with her stomach area, but he was not really aware if he had touched her stomach or not. He confirmed that there were occasions when he had physical contact with Pupil A such as when assisting in the gym, supporting her, demonstrating how to turn her body for ten pin bowling and helping her to get up on the ski slope.

In Mr Hallatt's second interview with the Head teacher on 30 May 2012, he stated that he had no idea how many times he would have come into contact with Pupil A's bottom or stomach, but it would have been very few, although he could not recall and that it would have been inadvertent. He said that, due to the pressure of his arrest and police station interview, he had inadvertently admitted to the police that he had crossed professional boundaries. He stated to the Head teacher that this was something he would have to think about. He stated that he could not answer whether he considered his behaviour professional, but there had been no intention to be unprofessional.

In Mr Hallatt's representations for these proceedings, he has stated that, at no time, during the period specified, did he touch Pupil A intentionally on her bottom or waist.

The Panel, having heard the tape recording of Mr Hallatt's police interview, found it credible that his method of communicating with Pupil A was to engage in horseplay with her. Witnesses who gave oral evidence had not seen them engaging in such behaviour and did not believe Pupil A to be a tactile person. However, the Panel found the detailed descriptions volunteered by Mr Hallatt of the contact between them to have been credible and that it was likely that Mr Hallatt's method of communicating with Pupil A was quite different from the way she interacted with his colleagues. Pupil A, at the end of her police interview, referred to only having a joke and only messing about, but that Mr Hallatt had been serious. The Panel believed that this was a reference to the playfulness that Mr Hallatt described as having taken place between them.

The Panel noted that Mr Hallatt had accepted in his police interview that he may have touched Pupil A's stomach and bottom, and considered that it was more likely than not that this did occur during what he described as the playfulness between them. This allegation is therefore found proven.

6. Whilst employed at Abbey Hill School, you, between September 2010 and May 2011 made inappropriate contact with Pupil A by engaging in pushing and shoving on a staircase

In his police interview, Mr Hallatt stated: "if she backs into you in a narrow corridor or on the stairs it just seems natural to push them away or to stop them from falling".

The Head teacher conducted a second investigatory interview with Mr Hallatt on 30 May 2012. The transcript of that interview states that Pupil A enjoyed physical contact in pushing and shoving. He described that on the stairs or in the passageway she would try to be in the way, and that he would have used physical contact to "fend her off", to get through, or upstairs or downstairs. He stated that it wasn't aggressive or intentional to eject her down or up the stairs. He stated that he probably would have asked her to move as well, but it became a kind of game. He later described it not as pushing and shoving, but brushing past each other "it wasn't that physical but playful".

In Mr Hallatt's representations for these proceedings, he has stated that although he recalls some isolated incidents of pushing and shoving on a staircase, involving Pupil A, these contacts were initiated by Pupil A and did not involve any intentionally inappropriate contact by him.

The Panel has found this allegation proven. On Mr Hallatt's own admission there were incidents of pushing and shoving on a staircase. The Panel considered this to be inappropriate, since it could have posed a risk to Pupil A's safety and that it did not accord with the professional boundaries that a teacher would be expected to observe with a pupil.

We have found the following particulars of the allegations against you not proven, for these reasons:

2. Whilst employed at Abbey Hill School, you, on 20 and 21 September 2009 behaved inappropriately with pupils by

b. kissing children on the cheek

A teacher described in a witness statement for the School investigation that when Mr Hallatt was in her room before joining the bus, in addition to tickling pupils' "tummy (sic) and sides", he was "kissing cheeks and heads".

In Mr Hallatt's statement for the School's investigation, he could not recall having kissed a child on the head or cheek.

In representations made for these proceedings, Mr Hallatt has said that his clear recollection was that any "kissing" did not involve physical contact between lips and cheek but was more in the way of an "air kissing" gesture.

The Panel did not consider that this allegation had been proven on the balance of probabilities. There was a single account which was limited in its description, simply stating "kissing cheeks and heads". No details were provided by that teacher regarding the identity of the pupils that Mr Hallatt allegedly kissed, or the number of pupils involved. The evidence was not corroborated by any of the other witnesses. The Learning Mentor described having been in the same room and that she had not wanted to leave him alone because of the way he was behaving, but she made no mention of kissing children. The Panel considered that it was likely the Learning Mentor would have referred to this in her statement, had she seen such conduct, since it would have been out of the ordinary.

4. Whilst employed at Abbey Hill School, you, on 9 May 2011 touched Pupil A on her bottom and her stomach

In a written statement, the PST Manager for the School described the disclosure made by Pupil A on 10 May 2011. She states that Pupil A had told her that during the previous day, Mr Hallatt had touched her "tummy" and she pointed to her belly button area when explaining this.

In the Record of Pupil A's police interview it states that Pupil A had described that whilst walking towards the shop, by the school gates, Mr Hallatt had touched her "bum". She then described having gone into the post-16 unit to eat lunch and that Mr Hallatt had come in and whilst she was standing up, he approached her from behind and pinched her bottom and placed his hands on her waist area.

In the summary note of the Head teacher's interview with Pupil A, it is recorded that she described this incident, stating that she was going to the shops, and that Mr Hallatt had

followed. The note of the interview states “Outside the gates he touched me on my backside again”.

The Supervisory Special School Practitioner, in an interview for the School’s investigation, stated that Pupil C had told her that she knew Mr Hallatt had rubbed Pupil A’s stomach and touched her bottom, and that it had happened when they went to the shop. However, in Pupil C’s interview with the Head Teacher on 20 December 2011, Pupil C described Mr Hallatt as having touched Pupil A on the chest and stomach in a room in the School. This was at odds with the description that Pupil C previously gave. The reference to the chest area also differed from Pupil A’s description. The Panel also decided to place little weight on Pupil C’s evidence, since she was interviewed a significant time after the event and the Panel received oral evidence that she was not always truthful.

The Supervisory Special School Practitioner observed Pupil A, from a window, going to the shops with Mr Hallatt, Pupil C and another pupil, but did not see any jostling going on.

In his police interview, Mr Hallatt stated that he could not recall coming up behind Pupil A and placing his hands around her waist over her hips on 9 May 2011. He stated that if she had been messing about, he might have pushed her away or tried to steer her but he did not remember.

During the Head teacher’s interview with Mr Hallatt, the transcript states that Mr Hallatt confirmed he had gone to the shop on one occasion recently with Pupil A and another pupil but he could not recall any physical contact with Pupil A. Earlier in the interview, he had stated: “There are certain areas which are taboo, we all know which areas are not appropriate... The upper body, the torso, the lower body”.

In Mr Hallatt’s representations for these proceedings, Mr Hallatt has stated that he did not touch Pupil A’s bottom or stomach on 9 May 2011.

The Panel did not consider this allegation to have been proven on the balance of probabilities. This allegation related to a specific incident, but no steps were taken at the time to obtain a statement from Pupil C or the other pupil that accompanied them to corroborate Pupil A’s account. The account that was given some time later by Pupil C varied from Pupil A’s account. Pupil A did not give oral evidence to the Panel and the Panel was unable to test her evidence on this point. The Panel did not therefore consider that the Presenting Officer had discharged the burden of proof in respect of this allegation, and this allegation was found not proven.

5. Whilst employed at Abbey Hill School, you, between September 2010 and May 2011 asked Pupil A for her mobile phone number on two occasions

In the Record of Pupil A's police interview it states that Pupil A had said that, on two occasions, Mr Hallatt had asked for her mobile number and that she had told him 'no'.

In Mr Hallatt's police interview, he stated that he could not recall any reason why he would have wanted her phone number. He stated that he had some pupils' phone numbers for travel training, in case they became separated, but Pupil A had never been in his group for travel training. He stated that Pupil A's phone number would not be found on his mobile phone

In the note of the Head teacher's interview with Pupil A on 6 October 2011 she told him that when she returned to the School in April 2011 (having left in February 2011), Mr Hallatt's conduct "carried on more" and that he asked her for her mobile telephone number more than once.

During the Head teacher's interview with Mr Hallatt on 18 November 2011, the transcript states that Mr Hallatt commented that he had not directly asked Pupil A for her telephone number. The transcript states "I know colleagues do have contact with pupils they share mobile and contact numbers. I don't do that I do not have mobile numbers or give my number. The only reason I would have a number is when we are out and we take their numbers and can contact the parent, school or pupil direct that was only ever on paper and was destroyed after this". He went on to state that Pupil A kept saying she was leaving, which he said could have led to a conversation about keeping in touch with the School when she left.

In Mr Hallatt's representations for these proceedings, he has stated that at no time has he asked Pupil A for her mobile phone number.

The Panel noted that there was no independent corroboration that Mr Hallatt had asked for Pupil A's mobile number. There is no evidence that this was reported by Pupil A to either her grandmother or during her first disclosure to the PST Manager. Pupil A did not give oral evidence to the Panel and the Panel was unable to test her evidence on this point. The Panel did not therefore consider that the Presenting Officer had discharged the burden of proof in respect of this allegation, and this allegation was found not proven.

Findings as to Unacceptable Professional Conduct and/or Conduct that may bring the profession into disrepute

In considering the allegations that the Panel has found proven, the Panel has had regard to the definitions in The Teacher Misconduct – Prohibition of Teachers Advice, which we refer to as the ‘Guidance’.

The Panel is satisfied that the conduct of Mr Hallatt in relation to the facts found proven, involved breaches of the Teachers’ Standards. The Panel considers that, by reference to Part Two, Mr Hallatt failed to uphold public trust in the profession and maintain high standards of ethics and behaviour. In attending school, to supervise children prior to their departure on a school trip, in an intoxicated state and then engaging in tickling and hugging of the pupils, he failed to observe proper boundaries appropriate to a teacher’s professional position. He was expected to be fit to safeguard pupils’ well-being, but the Head teacher described that other staff members had to take responsibility for the pupils designated to him, a teacher had concerns that he would not remember where the pupils’ money had been put and that he was uninterested in information regarding the pupils’ special diets. Mr Hallatt also failed to have proper and professional regard for the ethos, policies and practices of the school in which he taught in attending the school in an intoxicated state.

With regard to Pupil A, the Panel also considered that Mr Hallatt failed to observe proper professional boundaries with her. In engaging in what he described as a playful relationship, he created a situation in which his actions were open to misinterpretation, and he failed to take heed of advice given by a colleague that his conduct was of concern. In engaging in pushing and shoving on a staircase, this crossed the professional boundaries that he should have observed and he failed to have regard to safeguarding her well-being, since Pupil A might have been at risk of falling.

The Panel is satisfied that the conduct of Mr Hallatt fell significantly short of the standards expected of the profession.

Accordingly, the Panel is satisfied that Mr Hallatt is guilty of unacceptable professional conduct.

The Panel has taken into account how the teaching profession is viewed by others and considered the influence that teachers may have on pupils, parents and others in the community. The Panel has taken account of the uniquely influential role that teachers can hold in pupils’ lives and that pupils must be able to view teachers as role models in the way they behave. The findings of misconduct are serious. Mr Hallatt attended a school trip whilst intoxicated and engaged in inappropriate behaviour with pupils with special educational needs. He failed to observe proper boundaries and engaged in physical contact with Pupil A which had the potential to have a negative impact on Mr Hallatt’s status as a teacher, potentially damaging the public perception.

The Panel therefore finds that Mr Hallatt's actions constitute conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

Given the Panel's findings in respect of unacceptable professional conduct and conduct that may bring the profession into disrepute, it is necessary for the Panel to go on to consider whether it would be appropriate to recommend the imposition of a Prohibition Order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a Prohibition Order should be made, the Panel has to consider whether it is an appropriate and proportionate measure, and whether it is in the public interest to do so. Prohibition Orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

The Panel has considered the particular public interest considerations set out in the Guidance and, having done so, has found all of them to be relevant in this case, namely the protection of pupils, the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

There is a strong public interest consideration in respect of the protection of pupils, given that Mr Hallatt attended the school in an intoxicated state when he was supposed to be responsible for the supervision of pupils, and given that he showed a disregard for the professional boundaries which would have afforded protection to both Pupil A and himself.

Similarly, the Panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Hallatt were not treated with the utmost seriousness when regulating the conduct of the profession.

The Panel considered that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mr Hallatt was outside that which could reasonably be tolerated.

Notwithstanding the public interest considerations that were present, the Panel considered carefully whether or not it would be proportionate to impose a Prohibition Order taking into account the effect that this would have on Mr Hallatt.

In carrying out the balancing exercise, the Panel has considered the public interest considerations both in favour of prohibition as well as the interests of Mr Hallatt. The Panel took further account of the Guidance, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proven. In the list of such behaviours, those that are relevant in this case are:

- serious departure from the personal and professional conduct elements of the Teachers' Standards
- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils.

Even though there were behaviours that would point to a Prohibition Order being appropriate, the Panel went on to consider whether or not there were sufficient mitigating factors to militate against a Prohibition Order being an appropriate and proportionate measure to impose, particularly taking into account the nature and severity of the behaviour in this case. There were no previous disciplinary orders against Mr Hallatt by a regulatory body. He had worked in the School since 1977 and was described as being gentle and that the pupils, on the whole, liked his demeanour. However, Mr Hallatt had received a final written warning from the School following the incident when he arrived at the School intoxicated prior to the School trip. That written warning made it clear to Mr Hallatt that his contact with the pupils had been inappropriate. Despite this, less than a year later he began to engage in inappropriate playful contact with Pupil A, a vulnerable pupil. Whilst the Panel believed such contact with Pupil A to have been inadvertent, in that it happened during the course of horseplay, the incidents were described as having happened on many occasions and Mr Hallatt should have handled his relationship with Pupil A differently, especially given her vulnerability. He failed to take heed of advice by a colleague which specifically referred to his conduct towards Pupil A.

The Panel is of the view that Prohibition is both proportionate and appropriate. We have decided that the public interest considerations outweigh the interests of Mr Hallatt. Pupil A's vulnerability and his failure to observe appropriate boundaries with her was a significant factor in forming that opinion. Accordingly, the Panel makes a recommendation to the Secretary of State that a Prohibition Order should be imposed with immediate effect.

The Panel went on to consider whether or not it would be appropriate for them to recommend that a review period of the order should be applied. The Panel was mindful that the Guidance advises that a Prohibition Order applies for life, but there may be circumstances in any given case that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than two years.

The Panel felt the findings indicated a situation in which a review period would be appropriate and as such decided that it would be proportionate in all the circumstances for the Prohibition Order to be recommended with provision for a review period after 4 years. In reaching this view, the Panel were mindful that Mr Hallatt had already had a final written warning from the School which was in place for a period of two years, which referred to his physical contact with pupils, and yet he failed to take heed of that warning.

However, the Panel was mindful that any contact with Pupil A during horseplay would have been inadvertent, and that following a significant period of reflection, he should have the opportunity to demonstrate his understanding of the appropriate boundaries between a teacher and pupil.

Decision and reasons on behalf of the Secretary of State

I have given careful consideration to the findings and recommendations of the panel in this case.

The panel have found a number of the allegations proven and have determined that those facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

In deciding whether to recommend a prohibition order as an appropriate and proportionate sanction they have considered both the public interest considerations and those of Mr Hallatt.

They found there to be a strong public interest consideration in respect of the protection of pupils, given that Mr Hallatt attended the school in an intoxicated state when he was supposed to be responsible for the supervision of pupils, and showed a disregard for professional boundaries. Similarly, the Panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Hallatt were not treated with the utmost seriousness. Finally they considered there to be a strong public interest consideration in declaring proper standards of conduct in the profession and that the conduct found against Mr Hallatt was outside that which could reasonably be tolerated.

In balancing the public interest with those of Mr Hallett the panel have noted that there were no previous disciplinary orders against Mr Hallett. He had worked in school since 1977 and was described as being gentle, with pupils, on the whole, liking his demeanour. He had though received a final written warning following the school trip incident and that warning made it clear that his contact with pupils had been inappropriate. Despite this warning, and less than a year later, he engaged in inappropriate contact with Pupil A.

I agree with the panel's recommendation that a prohibition order is an appropriate and proportionate sanction.

In considering whether to allow a review period, the panel were mindful of the Secretary of State's advice and were of the view that the findings indicated a situation where a review period was appropriate. The panel were mindful that any contact with Pupil A following the written warning would have been inadvertent and that 4 years would allow a significant period for reflection and insight. I agree with this recommendation.

This means that Mr Anthony Hallatt is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. He may apply for the Prohibition Order to be set aside, but not until 25 September 2018, 4 years from the date of this order at the earliest. This is not an automatic right to have the Prohibition Order removed. If he does apply, a panel will meet to consider whether the Prohibition Order should be set aside. Without a successful application, Mr Anthony Hallatt remains barred from teaching indefinitely.

This Order takes effect from the date on which it is served on the Teacher.

Mr Anthony Hallatt has a right of appeal to the Queen's Bench Division of the High Court within 28 days from the date he is given notice of this Order.

NAME OF DECISION MAKER: Paul Heathcote

A handwritten signature in black ink, appearing to read 'P Heathcote', with a large, sweeping flourish at the end.

Date: 19 September 2014

This decision is taken by the decision maker named above on behalf of the Secretary of State.